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PTO/99/01 (12-97)

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**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**

Declaration Submitted with Initial Filing OR Declaration Submitted after Initial Filing (surcharge (37 CFR 1.18 (e)) required)

| | |
|------------------------|-------------|
| Attorney Docket Number | ISURFIV1 |
| First Named Inventor | Yakov Kamen |
| COMPLETE IF KNOWN | |
| Application Number | / |
| Filing Date | |
| Group Art Unit | |
| Examiner Name | |

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention set forth.

Method for Using Banner Advertisements During Commercial Breaks

The specification of which

(Title of the Invention)

 is attached hereto

OR

 was filed on (MM/DD/YYYY) as United States Application Number or PCT InternationalApplication Number: and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT International application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed | Certified Copy Attached? YES <input type="checkbox"/> NO <input type="checkbox"/> |
|-------------------------------------|----------------------|----------------------------------|--|---|
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |

 Additional foreign application numbers are listed on a supplemental priority data sheet PTO/99/02B attached hereto. I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

| Application Number(s) | Filing Date (MM/DD/YYYY) | Additional provisional application numbers are listed on a supplemental priority data sheet PTO/99/02B attached hereto. |
|-----------------------|--------------------------|---|
| <input type="text"/> | <input type="text"/> | <input type="checkbox"/> |

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, USPTO, 1100 L Street, NW, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.

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DECLARATION — Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 35U.S.C. or any PCT International application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 119, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

| U.S. Parent Application or PCT Parent Number | Parent Filing Date (MM/DD/YYYY) | Parent Patent Number (if applicable) |
|--|---------------------------------|--------------------------------------|
| | | |

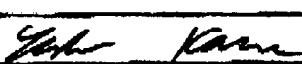
Additional U.S. or PCT International application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.
As a named Inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Customer Number → Place Customer Number or Bar Code Label here
 OR
 Registered practitioner(s) name/registration number listed below

| Name | Registration Number | Name | Registration Number |
|---------------|---------------------|------|---------------------|
| Kenneth Leeds | 30,566 | | |

Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02D attached hereto.
Direct all correspondence to: Customer Number OR Correspondence address below

| | | | |
|---------|------------------|-----------|--------------|
| Name | Kenneth E. Leeds | | |
| Address | P.O. Box 2819 | | |
| Address | | | |
| City | Sunnyvale | State | CA |
| Country | US | Telephone | 408-732-9500 |
| | | Fax | 408-736-7052 |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | | | |
|---|---|---------------------------------|-------------------|
| Name of Sole or First Inventor: | <input type="checkbox"/> A petition has been filed for this unsigned Inventor | | |
| Given Name (first and middle, if any) Vernon | | Family Name or Surname Kamen | |
| Inventor's Signature  | Date 11/24/99 | | |
| Residence: City Cupertino | State CA | Country US | Citizenship US |
| Post Office Address 19334 Greenwood Dr. | | | |
| Post Office Address Cupertino | State CA | ZIP 95014 | Country US |

Additional inventors are being named on the 1 supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto.

PTO/SB/02A (3-97)

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a
valid OMB control number.**DECLARATION****ADDITIONAL INVENTOR(S)**
Supplemental Sheet
Part 1 of 1

| | | | | | | | |
|--|-----------------------|---|----|---------|-------|-------------|----|
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | |
| Given Name (first and middle [if any]) | | Family Name or Surname | | | | | |
| Leon | | Shirman | | | | | |
| Inventor's Signature | <i>Leon A Shirman</i> | | | | Date | 11/24/99 | |
| Residence: City | Redwood City | State | CA | Country | US | Citizenship | US |
| Post Office Address | 870 Seminole Way | | | | | | |
| Post Office Address | | | | | | | |
| City | Redwood City | State | CA | ZIP | 94602 | Country | US |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | |
| Given Name (first and middle [if any]) | | Family Name or Surname | | | | | |
| Inventor's Signature | | | | | Date | | |
| Residence: City | | State | | Country | | Citizenship | |
| Post Office Address | | | | | | | |
| Post Office Address | | | | | | | |
| City | | State | | ZIP | | Country | |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | |
| Given Name (first and middle [if any]) | | Family Name or Surname | | | | | |
| Inventor's Signature | | | | | Date | | |
| Residence: City | | State | | Country | | Citizenship | |
| Post Office Address | | | | | | | |
| Post Office Address | | | | | | | |
| City | | State | | ZIP | | Country | |

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Approved for use through 08/01/2000. GENE W. GOLDBERG
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| | | |
|--|--|--|
| STATEMENT CLAIMING SMALL ENTITY STATUS (37 CFR 1.8(f) & 1.27(c))-SMALL BUSINESS CONCERN | | Docket Number (Optional) isurftv11 |
|--|--|--|

Applicant, Patentee, or Identifier: Yakov Kamen and Leon Shirman

Application or Patent No.:

Filed or Issued: Herewith

Title: Method For Using Banner Advertisements During Commercial Breaks

I hereby state that I am

the owner of the small business concern identified below.
 an official of the small business concern empowered to act on behalf of the concern identified below.

NAME OF SMALL BUSINESS CONCERN isurftv

ADDRESS OF SMALL BUSINESS CONCERN 1975 El Camino Real West, Suite 307
Mountain View, CA 94030

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 37 CFR Part 1.21 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 400 Third Street, SW, Washington, DC 20418.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

the specification filed herewith with title as listed above.
 the application identified above.
 the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention listed in section 1.21 of this form grants an exclusive license to the Inventor, and no rights to the invention are held by any person, other than the Inventor, who would not qualify as an independent inventor under 37 CFR 1.8(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.8(d), or a nonprofit organization under 37 CFR 1.8(e).

Each person, concern, or organization having any rights in the invention is listed below:
 no such person, concern, or organization exists.
 each such person, concern, or organization is listed below.

Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING Yakov Kamen

TITLE OF PERSON IF OTHER THAN OWNER EVP of Engineering and CTO

ADDRESS OF PERSON SIGNING 19334 Greenwood Dr., Cupertino, CA 95014

SIGNATURE YK DATE 11/24/99

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